

"FILED IN OPEN COURT"

4/19/06

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COGNEX CORPORATION,
Plaintiff,

v.

JEAN CARON,
Defendant.

CIVIL ACTION NO. 04 12365 JLT

**AFFIDAVIT OF JAMES E. O'CONNELL, JR. IN SUPPORT OF
PLAINTIFF'S MOTION TO SHOW CAUSE AND FOR ORDER
OF CIVIL CONTEMPT AND REQUEST FOR ORAL ARGUMENT**

I, James E. O'Connell, Jr., do hereby depose and state as follows:

1. I am a member in good standing of the bar of the Commonwealth of Massachusetts. I was admitted to practice before the Supreme Judicial Court of Massachusetts in December 1980 and before the U.S. District Court for the District of Massachusetts in 1980.

2. I have represented the interests of the Plaintiff, Cognex Corporation, since prior to the commencement of the within action.

3. I am making this Affidavit in support of Plaintiff's request for an award of attorneys' fees and costs incurred in connection with its filing of its Motion to Show Cause and for Order of Civil Contempt and Request for Oral Argument, together with supporting Affidavit and Memorandum of Law ["Contempt Motion"].

4. Plaintiff has incurred a total of \$5,194.89 in attorneys' fees and costs to date in connection with its prosecution of the Contempt Motion. The fees were incurred in connection with communications with the Plaintiff, conducting legal research, drafting of relevant pleadings, interviewing Ulrich Starigk (who has filed an Affidavit in support of the Contempt Motion),

drafting correspondence to the Court and to the Defendant, communications with the Court and notice to Defendant of the hearing on the Contempt Complaint. The hourly charge for my time is \$395; that for my partner, Jennifer A. Yelen, was \$270 in 2005 and is \$300 in 2006; and that of associates working on this matter ranged from \$200/hour to \$275/hour. Costs were incurred for international federal express charges (for service on Defendant, a resident of France), copying, postage and faxing costs and costs for on-line legal research.

5. Based upon my more than twenty-five (25) years of practice and my focus on civil litigation, I believe the charges in this matter to be fair and reasonable.

6. I anticipate that an additional \$395.00 will be incurred in connection with the hearing on this matter, bringing the total fees and costs incurred in connection with the prosecution of the Contempt Motion to **\$ 5,589.89.**

Signed under the pains and penalties of perjury this 18th day of April, 2006.



James E. O'Connell, Jr.